

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RONALD BASKETT,

Plaintiff,

v.

RONALD KESSLER,

Defendant.

CASE NO. C05-1777MJP

ORDER DISMISSING  
PLAINTIFF'S § 1983 ACTION

The Court, having reviewed the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, the balance of the record, and Plaintiff's Objection to the Report and Recommendation, does hereby find and ORDER:

- (1) The complaint, and this action, are DISMISSED without prejudice for failure to state a claim upon which relief may be granted. "An application for a writ of habeus corpus on behalf of a person in custody pursuant to the judgment of a state court shall not be granted unless it appears that the applicant has exhausted all remedies available in the courts of the State." 28 USC § 2254 (b)(1)(A).
- (2) Dismissal of Plaintiff's claim moots his *in forma pauperis* application and consequently the Court does not rule on that application.

1 (2) The clerk is directed to send copies of this Order to Plaintiff and to the  
2 Honorable Monica J. Benton.  
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4 Dated this 21<sup>st</sup> day of August, 2006.  
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11 Marsha J. Pechman  
12 United States District Judge  
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